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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,339	12/22/2000	Sylvie Jeannin	5121-2	7471

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EXAMINER

USTARIS, JOSEPH G

ART UNIT PAPER NUMBER

2623

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/745,339

Applicant(s)

JEANNIN ET AL.

Examiner

Joseph G. Ustaris

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-- Th MAILING DATE of this communication app ars on th cov r she t with the corr spondenc address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4-11 and 15-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-11 and 15-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the RCE dated 28 March 2006 in application 09/745,339. Claims 4-11 and 15-26 are pending.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08 February 2006 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4, 8, 9, and 20-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kikinis (US005929849A).

Regarding claim 4, Kikinis discloses a method of accessing a web site or "multimedia advertisement", wherein the web site is able to promote products or services, i.e. BMW cars, that is linked with an image entity or "video object" that is within a data stream or "video stream" (See Fig. 1, 2A, 2B). The web site is linked to the image

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entity via URL or “linking a multimedia advertisement to a video object in a video stream”, where the web site is not displayed without being accessed by the viewer or “such that the advertisement is not displayed as part of the video stream without being accessed by a viewer of the video stream” (See Fig. 2A; column 5 lines 15-25). The image entity is displayed on a TV or “display” and when the viewer selects the image the system begins accessing the web site or “accessing, upon viewer request, the advertisement linked to the object while the object is displayed, thereby causing the advertisement to be displayed in a multimedia format on the display” (See Fig. 2C; column 7 line 57 – column 8 line 10). Kikinis also discloses that multiple images entities can be defined, where each image entity is associated with a different URL, where inherently each image entity is “delineated” so that the viewer can select each image entity independently of any other image entities (See column 7 lines 10-28).

Furthermore, the web site inherently have web links or “data” and when the viewer accesses the web links, the web links or “data” of the web site are “extracted” and inherently placed within a buffer or “data file”, that is separate from the “video stream”, by the system in order to access other web pages of the site using the browser (See Fig. 2C; column 7 line 57 – column 8 line 15).

Regarding claim 8, the web site inherently has web links or “searchable information”, wherein the web links provide information to locate other web pages, and when the viewer accesses the web links, the web links or “searchable information” of the web site are “extracted” by the system and fed to the browser or “search engine”,

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wherein the browser searches and locates the web page on the server (See Fig. 2C; column 7 line 57 – column 8 line 15).

Regarding claim 9, the URL to the web site may also be downloaded, where the URL serves as the bookmark to the web site or “bookmark to the advertisement” (See column 9 lines 1-3).

Regarding claim 20, Kikinis discloses a method of accessing a web site URL or “multimedia advertisement”, wherein the web site URL is able to promote products or services, i.e. BMW cars, that is linked with an image entity or “video object” that is within a data stream or “video stream” (See Fig. 1, 2A, 2B). The web site URL is linked to the image entity or “linking a multimedia advertisement to a video object in a video stream”, where the web site is not displayed without being accessed by the viewer or “such that the advertisement is not displayed as part of the video stream without being accessed by a viewer of the video stream” (See Fig. 2A; column 5 lines 15-25). Furthermore, the linking includes the website URL in a data region or “object node” that is within the video stream, wherein the data region provides the “scene description” (See Fig. 2b; col. 7 lines 18-27). The image entity is displayed on a TV or “display” and when the viewer selects the image the system begins accessing the web site or “accessing, upon viewer request, the advertisement linked to the object while the object is displayed, thereby causing the advertisement to be displayed in a multimedia format on the display” (See Fig. 2C; column 7 line 57 – column 8 line 10).

Regarding claim 21, Kikinis also discloses that multiple images entities can be defined, where each image entity is associated with a different URL, where inherently

each image entity is “delineated” so that the viewer can select each image entity independently of any other image entities (See column 7 lines 10-28).

Regarding claim 22, the web site inherently have web links or “data” and when the viewer accesses the web links, the web links or “data” of the web site are “extracted” and inherently placed within a buffer or “data file”, that is separate from the “video stream”, by the system in order to access other web pages of the site using the browser (See Fig. 2C; column 7 line 57 – column 8 line 15).

Regarding claim 23, the placing results from a single user pointing and clicking operation, e.g. the viewer pointing and clicking on the web links (See Fig. 2C; column 7 line 57 – column 8 line 15).

Claim 24 contains the limitations of claim 20 (wherein the 80486 performs the functions of the “linking and accessing modules” and the VGA performs the functions of the “displaying module”) and is analyzed as previously discussed with respect to that claim.

Regarding claim 25, the web site inherently has web links or “searchable information”, wherein the web links provide information to locate other web pages, and when the viewer accesses the web links, the web links or “searchable information” of the web site are “extracted” by the system and fed to the browser or “search engine”, wherein the browser searches and locates the web page on the server (See Fig. 2C; column 7 line 57 – column 8 line 15).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7, 15-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (US005929849A) in view of Kitsukawa et al. (US006282713B1).

Claim 5 contains the limitations of claims 4 and is analyzed as previously discussed with respect to that claim. Furthermore, Kikinis discloses that multiple image entities or "first and second objects" can be defined, where each image entity is associated with a different URL or "first and second advertisements" (See column 6 lines 50-55 and column 7 lines 10-27). However, Kikinis does not disclose "preparing a summary of at least the first and second advertisements".

Kitsukawa et al. (Kitsukawa) discloses a method for providing on-demand electronic advertising. The system is able to provide a list of all the advertisements available for the products and services depicted in a program video scene or "preparing a summary of at least the first and second advertisements" (See Fig. 7; column 10 lines 5-28). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the set-top box disclosed by Kikinis to be able to provide a summary of all the URLs available in video program, as taught by Kitsukawa,

in order to provide one convenient location for the viewer to easily locate additional information on all the products and services depicted on the display.

Regarding claim 6, Kikinis in view of Kitsukawa further disclose that the viewer can select “an advertisement from the prepared summary” (See Kitsukawa Fig. 7; column 10 lines 15-28). Furthermore, the web site disclosed by Kikinis in view of Kitsukawa provides an order form or “extracting purchasing information from the advertisement” to buy the product depicted by the image entity or “to enable the purchase of the video object linked to the advertisement”, i.e. purchasing a car from BMW (See Kikinis Fig. 2C; column 8 lines 34-37).

Regarding claim 7, Kikinis in view of Kitsukawa further disclose that the data stream carries electronic program guide (EPG) data, where inherently EPG data provides “a summary of the video stream comprising information, other than the advertisement, that is descriptive of the video stream” (See Kitsukawa column 5 lines 29-43).

Claim 15 contains the limitations of claims 4 and 5 and is analyzed as previously discussed with respect to those claims.

Claim 16 contains the limitations of claims 8 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 17 contains the limitations of claims 9 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 19 contains the limitations of claims 7 and 15 and is analyzed as previously discussed with respect to those claims.



Claims 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (US005929849A) in view of Williams et al. (US005977964A) and Kitsukawa et al. (US006282713B1).

Claim 10 contains the limitations of claim 4 and is analyzed as previously discussed with respect to that claim. However, Kikinis does not disclose (1) "creating a user profile for the viewer indicating a type of advertisement of which the viewer wishes to be aware" and (2) "alerting the viewer when the object is linked to the indicated type of advertisement".

(1) Williams et al. (Williams) discloses a method of automatically configuring a system based on user's preferences. The system creates a user profile that allows the user or viewer to define favorite commercials by commercial genre or "indicating a type of advertisement of which the viewer wishes to be aware" (See column 6 line 63 – column 7 line 10). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the set-top box disclosed by Kikinis to be able to create a user profile allowing the viewer to "indicate a type of advertisement of which the viewer wishes to be aware", as taught by Williams, in order to provide more convenience to the viewer by providing only the information or web pages that the viewer is interested in.

(2) Kitsukawa discloses a method for providing on-demand electronic advertising. The system is also capable of alerting the viewer when advertisement information is available or "alerting the viewer when the object is linked to the indicated type of

advertisement (as taught by Williams above)” (See column 7 lines 10-20). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the set-top box disclosed by Kikinis in view of Williams to provide an alert to the viewer, as taught by Kitsukawa, in order to ensure that the viewer is aware that the web sites or “advertisements” they are interested in are available.

Claim 18 contains the limitations of claims 10 and 15 and is analyzed as previously discussed with respect to those claims.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (US005929849A) in view of Davis et al. (US 20020099812A1).

Claim 11 contains the limitations of claims 4 and is analyzed as previously discussed with respect to that claim. Furthermore, inherently the video stream must be received or “downloaded” by the set-top box in order to display the image entity or “video object” on the TV or “display”. However, Kikinis does not disclose “creating a user profile for the viewer indicating a type of advertisement to which the viewer wishes to have access” and “only downloading the advertisement if the advertisement is of the indicated type”.

Davis et al. (Davis) discloses a method for creating user profiles. The system allows the user or viewer to define what types of information they are interested in or “creating a user profile for the viewer indicating a type of advertisement to which the viewer wishes to have access”. The system then uses the user profile to only download resources, i.e. web sites or advertisements, that are related to the user’s interests or

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"only downloading the advertisement if the advertisement is of the indicated type" (See paragraph 0068). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the set-top box disclosed by Kikinis to be able to create a user profile allowing the viewer to "indicate a type of advertisement to which the viewer wishes to have access" and "only downloading the advertisement if the advertisement is of the indicated type", as taught by Davis, in order to provide more convenience to the viewer by providing only the information or web pages that the viewer is interested in.

Claim 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (US005929849A).

Claim 26 contains the limitations of claim 25 and is analyzed as previously discussed with respect to that claim. However, Kikinis does not explicitly disclose extracting a keyword for subsequent feeding into the search engine.

Official Notice is taken that is well known to extract a keyword that will be searched for by a search engine. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the set-top box disclosed by Kikinis to extract a keyword that will be searched for by a search engine in order to provide the viewer with a convenient means of retrieving related information to the items they are interested in.

***Response to Arguments***

4. Applicant's arguments filed 08 February 2006 have been fully considered but they are not persuasive.

Applicant argues with respect to claims 4 and 15 that Kikinis does not disclose or suggest a means for extracting at least a portion of the data after the multimedia advertisement is accessed, and a data file separate from the video stream holding the extracted data. However, reading the claims in the broadest sense, Kikinis does meet the limitations of the claim. Kikinis discloses that the user can retrieve additional information through various WEB pages that are accessed via web links or "data" (See Kikinis Fig. 2C; column 8 lines 5-15). Kikinis further discloses that the WEB browser functions just like a conventional web browser on a computer (See column 8 lines 5-15). When the user accesses the web link, the web link or "data" of the website is extracted and inherently placed within some sort of buffer or "data file", that is separate from the "video stream", by the system in order to successfully access and retrieve the related WEB pages of the site through the Internet using the WEB browser of the system (See Fig. 1). Furthermore, if applicant still disagrees, Kikinis further discloses that the system can "extract" the URLs from the "multimedia advertisements" and store the URLs in a memory device for later use or "placing the extracted data in a data file separate from the video stream" (See Kikinis column 8 line 65 – column 9 line 3).

In response to applicant's argument with respect to claims 10 and 18 that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a

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reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).


### ***Conclusion***


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
JGU  
June 1, 2006

  
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